



Docket No.: 511582003500
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Mary FARIS, et al.

Application No.: 09/809,638

Filed: March 14, 2001

For: 125P5C8: A TISSUE SPECIFIC
PROTEIN HIGHLY EXPRESSED IN
VARIOUS CANCERS

Art Unit: 1642

Examiner: Alana M. Harris

**DECLARATION OF MARY FARIS, PIA CHALLITA-EID, STEVE C. MITCHELL,
DANIEL E.H. AFAR, ARTHUR B. RAITANO, AND AYA JAKOBOVITS
UNDER 37 C.F.R. § 1.131**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, the undersigned, declare as follows:

1. We are co-inventors of claims 1, 14 and 23, currently pending in the above-referenced application. An isolated 125P5C8 protein comprising the sequence of SEQ ID NO: 2 or a polynucleotide sequence encoding the codons for SEQ ID NO: 2.

2. The Office rejected claims 1, 14 and 23 as allegedly being anticipated by WO 200270539 A2, which was filed March 5, 2002. This application claims priority to U.S. Application No. 09/799,451, which was filed March 5, 2001, and is now U.S. Patent No. 6,783,969.

A copy of WO 200270539 was submitted in an Information Disclosure Statement provided in this application mailed on April 5, 2001. This document discloses sequence 1397 which is identical to SEQ ID NO: 2 of the present application.

3. We reduced the claimed invention to practice in the United States prior to the date U.S. Patent No. 6,783,969 was filed (March 5, 2001). Thus, the invention of the pending claims was reduced to practice in the United States prior to March 5, 2001, the earliest priority date available to the cited document.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed at Los Angeles, Ca, on 26 ^{NOV}~~October~~ 2004.
(city) (state) (day)



Mary Faris

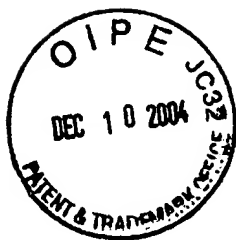
Pia Challita-Eid

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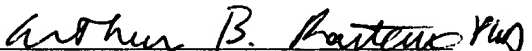
Executed at Santa Monica, CA, on 13th October 2004.
(city) (state) (day)

Mary Faris

 10/13/04
Pia Challita-Eid

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Executed at Franklin, IL, on 18 October 2004.
(city) (state) (day)

Mary Faris

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Executed at Fremont, CA, on 30 October 2004.
(city) (state) (day)

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Executed at Santa Monica, CA, on 20 October 2004.
(city) (state) (day)

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